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Docket No. DEP5111USNP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : GOODFRIED, GARY P. ET AL

Serial No. : 10/817051

Art Unit: 3732

Filed : 04/02/2004

Examiner: PEDRO PHILOGENE

For : MODULAR IMPLANT SYSTEM WITH FULLY POROUS COATED
SLEEVE

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August 11, 2005

(Date of Deposit)

Stephen S Manich

(Name of applicant, assignee, or Registered Representative)

/Stephen J. Manich/

(Signature)

August 11, 2005

(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this

information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

☐ Statement in Accordance with §1.97(e) (attached); or

☐ Please charge Deposit Account No. 10-0750/DEP5111USNP/SJM the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/DEP5111USNP/SJM the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a) (2).

☐ There are no listed references which are not in the English language.

☐ The relevance of those listed references which are not in the English language is as follows:

☒ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/DEP5111USNP/SJM. This form is submitted in triplicate.

Respectfully submitted,

/Stephen J. Manich/
Stephen J. Manich
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DATED: August 11, 2005



PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 3

<i>Application Number</i>	10/817051
<i>Filing Date</i>	4/02/2004
<i>First Named Inventor</i>	Goodfried, Gary P.
<i>Group Art Unit</i>	3732
<i>Examiner Name</i>	Pedro Philogene
<i>Attorney Docket Number</i>	DEP5111USNP

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U. S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		3605123		Hahn, H.	04-29-1969	
		3848272		Noiles	11-19-1974	
		3855638		Pilliar	12-24-1974	
		4219893		Noiles	09-02-1980	
		4301553		Noiles	11-24-1981	
		4536894		Galante et al	08-27-1985	
		4549319		Meyer	10-29-1985	
		4790852		Noiles	12-13-1988	
		4822366		Bolesky	04-18-1989	
		4846839		Noiles	07-11-1989	
		4854496		Bugle	08-08-1989	
		5080685	A	Bolesky et al	01-14-1992	
		5181928	A	Bolesky et al	01-26-1993	
		5286260	A	Bolesky et al	02-15-1994	
		5330534	A	Herrington, et al	07-19-1994	
		5370706	A	Bolesky et al	12-06-1994	
		5653765	A	McTighe et al	08-05-1997	
		5658349	A	Brooks et al	08-19-1997	
		5782921	A	Colleran et al	07-21-1998	
		5824097	A	Gabriel et al	10-20-1998	
		5876459	A	Powell	03-02-1999	
		5906644	A	Powell	05-25-1999	
		6171342	B1	O'Neil, Michael J	01-09-2001	
		6214052	B1	Burkinshaw	04-10-2001	
		6264699	B1	Noiles et al	07-24-2001	
		6428578	B2	White	08-06-2002	
		6527807	B1	O'Neil et al	03-04-2003	

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 3

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<i>Examiner Name</i>	Pedro Philogene
<i>Attorney Docket Number</i>	DEP5111USNP

U.S. PATENT DOCUMENTS

	6613092	B1	Kana, Richard J.	09-02-2003	
	6723129	B2	Dwyer et al	04-20-2004	
	6824566	B2	Kana et al	11-30-2004	
	6875239	B2	Gerbac et al	04-05-2005	
	6902583	B2	Gerbac et al	06-07-2005	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
		Office ³	Number ⁴	KindCode ⁵				
		EP	1358860	A2	DePuy Orthopaedics, Inc.	11-05-2003		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 3 of 3

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Group Art Unit	3732
Examiner Name	Pedro Philogene
Attorney Docket Number	DEP5111NP

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
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